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Attorneys for Plaintiff Carlos Miranda

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CARLOS MIRANDA,
Plaintiff,

v.

ARNOLD SCHWARZENEGGER, et al.,
Defendants.

Case No.: 03-CV-05895 CRB

**STIPULATION AND ~~PROPOSED~~
ORDER**

The parties, by and through their undersigned counsel, hereby jointly propose and stipulate as follows.

STIPULATION AND [PROPOSED] ORDER
Case No. 03-5895 CRB

WHEREAS, on June 23, 2006, the Court held a Case Management Conference, at which the Court granted plaintiff's request to conduct discovery regarding the issue of qualified immunity;

WHEREAS, defendants have filed a Motion for Summary Judgement that relates primarily to the issue of qualified immunity;

WHEREAS, the parties are now in a dispute over the qualified immunity discovery;

WHEREAS, the parties agree that they should attempt to resolve this dispute prior to any involvement by the Court or further briefing by the parties;

WHEREAS, the parties anticipate that they will be able to resolve this dispute without the Court's intervention if provided sufficient time;

THEREFORE IT IS HEREBY STIPULATED, by the parties through their undersigned counsel, that the date of hearing of Defendant Krings and Speed's Motion for Summary Judgment presently scheduled for November 3, 2006 shall be continued pending resolution of the current discovery dispute. The parties further stipulate that they will work diligently together to attempt to resolve the current discovery dispute. If the parties jointly resolve their discovery dispute, they will jointly file a proposed briefing schedule with the Court for defendants' Motion for Summary Judgment. If the parties are unable to resolve their discovery dispute jointly, they will file promptly any appropriate motions with the Court for resolution and/or referral to a Magistrate Judge.

Respectfully submitted,

Dated: October 6, 2006

By: /s/: Jodi Linker
Jodi Linker
Clarence & Dyer LLP
Attorneys for Plaintiff Carlos Miranda

Dated: October 6, 2006

By: /s/: Jay Russell
Jay C. Russell
Deputy Attorney General
Attorneys for Defendants Speed and Krings

IT IS SO ORDERED.

Dated: October 10, 2006

The Honorable Charles R. Breyer
United States District Judge

